

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ERIC R. LEON,)	
)	
Plaintiff,)	
)	1:06cv979
v.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

For the reasons stated in the accompanying Memorandum Opinion, plaintiff's Motion for Summary Judgment (Docket # 15) is GRANTED, and the defendant's Motion for Summary Judgment (Docket # 13) is DENIED, and it is hereby

ORDERED that the decision of the Commissioner of Social Security be and is REVERSED, and the case is REMANDED to the Commissioner with instructions that the plaintiff be granted the benefits claimed. It is further

ORDERED that the Commissioner withhold from payments which he may determine are due plaintiff under this Order an amount not to exceed 25 percent of the total amount of disability benefits to which the plaintiff is entitled, pursuant to the provisions of section 206 of the Social Security Act, as amended. 42 U.S.C. § 406(b). The Commissioner is directed to advise the Court of the amount withheld so that the matter may be set for final determination of the amount of attorney's fees to be allowed plaintiff's counsel for services rendered in representing the plaintiff in this cause. It is further

ORDERED that pursuant to Rule 54(d)(2)(B) of the Federal

Rules of Civil Procedure, the plaintiff's attorney is hereby GRANTED an extension of time in which to file a petition for authorization of attorney's fees under 42 U.S.C. § 406(b) until thirty (30) days after the receipt of a notice of award of benefits from the Social Security Administration. This Order does not extend the time limits for filing a motion for attorney's fees under the Equal Access to Justice Act.

The Clerk is directed to forward copies of this Order and the accompanying Memorandum Opinion to counsel of record.

Entered this 6th day of March, 2007.

_____/s/
Leonie M. Brinkema
United States District Judge

Alexandria, Virginia